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SECRET SECTION 1 ^{Thru} OF 6 USNATO 5342

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EXDIS

SALT

SECSTATE PLEASE PASS SECDEF

SUBJ: SALT: FRG PAPER "ASPECTS OF SALT II"

REF: BONN 16713

FRG DELEGATION HAS JUST CIRCULATED FOLLOWING PAPER ENTITLED
"ASPECTS OF SALT II" IN PREPARATION FOR SALT CONSULTATION
DECEMBER 15.

BEGIN TEXT:

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 - SUBMARINE-BASED STRATEGIC SYSTEMS OF FRANCE AND GREAT BRITAIN
 - NON-USE OF NUCLEAR WAPONS

2. SIGNIFICANCE OF THE DESIDERATA

State Dept. declassification & release instructions on file

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21. SUBSTANCE OF THE DESIDERATA
22. PRESENTATION OF THE DESIDERATE (COMMENTS ON PROBABLE SOVIET ARGUMENTS)

PREFACE

IT WOULD SEEM TOO EARLY AT PRESENT TO TRY AND WORK OUT FOR THE PURPOSES OF SALT II WHICH FORMULATED WISHES OF ALLIANCE MIGHT OR SHOULD ADDRESS TO THE AMERICAN NEGOTIATORS IN THE LIGHT OF THE PROBLEMS THAT WILL PROBABLY ARISE DURING THE SALT NEGOTIATIONS. UP TO NOW WE HAVE NOT BEEN INFORMED WHAT LINE THE AMERICANS WILL TAKE; IT IS POSSIBLE THAT THEY MAY NOT SET THEIR COURSE UNTIL AFTER THE FIRST ROUND OF EXPLORATORY TALKS WITH THE SOVIETS. NEVERTHELESS, IT APPEARS POSSIBLE AND APPROPRIATE TO IDENTIFY THE LIKELY PROBLEMS AND ASSESS THEIR SIGNIFICANCE FOR THE ALLIANCE, AND AT THE SAME TIME TO GIVE A GENERAL OUTLINE OF THE ARGUMENTS THE SOVIETS MAY CONCEIVABLY RESORT TO DURING SALT II, AND THE POSSIBLE AMERICAN RESPONSES.

I. SALT II

11. PROBABLE GENERAL COURSE OF SALT II
IT CAN BE GENERALLY ASSUMED THAT BOTH SIDES IN THE SALT TALKS WILL ENTER THE SECOND PHASE WITH A NUMBER OF WISHES NOT FULFILLED TO FAR, BUT THAT NEITHER WILL BE BEHIND THE OTHER IN THIS RESPECT, IN OTHER WORDS, NEITHER WILL BE THE DEMANDEUR, NEITHER WILL SEE ITSELF FORCED TO ACHIEVE ANYTHING THIS ALSO APPLIES TO THE PROPOSED LIMITATION TREATY FOR OFFENSIVE SYSTEMS, SINCE THE AMERICANS HAVE TAKEN PRECAUTIONS IN THE EVENT THAT IT DOES NOT MATERIALIZE. THUS WHAT AWAITS BOTH ARE NOT COMPELLING FACTORS BUT RATHER THE ARGUMENTS WHICH THE OTHER WILL PUT FORWARD IN PURSUIT OF HIS OWN INTERESTS.

IN SECTION 22 BELOW WE HAVE ATTEMPTED TO ELUCIDATE THE ARGUMENTS THE SOVIETS WILL PROBABLY USE IN PRESENTING THEIR WISHES AND THE POSSIBLE COUNTER-ARGUMENTS. OUR DELIBERATIONS THEREFORE SERVE ONLY THE EXCHANGE OF ARGUMENTS AND AS SUCH CAN ONLY REPRESENT A LIMITED CONTRIBUTION TO THE FORTHCOMING DIPLOMATIC BARGAINING. IN THIS CONTEXTE WE HAVE ONLY

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DEALT WITH THE SOVIET WISHES THAT AFFECT ALLIANCE INTERESTS IN THE EUROPEAN SPHERE IN PARTICULAR, SUCH AS THOSE OUTLINED IN SECTION 12.

ON THE OTHER HAND, OUR CONTRIBUTION WILL HAVE SERVED ITS PURPOSE, WE FEEL, EVEN IF IT ONLY HELPS TO STRENGTHEN THE CONVICTION THAT WHAT MATTERS MOST DURING THE NEGOTIATIONS IS THAT OWN INTERESTS SHOULD NOT BE ABANDONED IN THE ABSENCE OF A QUID PRO QUO IN THE BELIEF THAT ONE IS FACED WITH APPARENTLY COMPELLING FACTORS WHICH, IN REALITY, ARE ONLY THE EFFECT OF SKILFUL SOVIET ARGUMENTATION.

12. PROBABLE SOVIET DESIDERATA
AS MENTIONED ABOVE, ONLY THOSE DESIDERATA THAT CONCERN ALLIANCE INTERESTS IN THE EUROPEAN SPHERE IN PARTICULAR HAVE BEEN CONSIDERED. SOME ARE MORE, OTHERS LESS, LIKELY TO BE PUT FORWARD BY THE SOVIETS.

121. THE FBS DESIDERATUM: "AMERICAN FORWARD BASED SYSTEMS MUST BE WITHDRAWN OR CREDITED".

122. THE DESIDERATUM CONCERNING EXTERNAL BASES OF AMERICAN FOREIGN BASES MUST BE DISSOLVED OR COMPENSATED BY A BONUS".

123. THE "NON-TRANSFER" DESIDERATUM: "WEAPONS SYSTEMS OR COMPONENTS THEREOF THAT ARE THE OBJECT OF CONTRACTUAL LIMITATION MAY BE TRANSFERRED TO THIRD COUNTRIES".

124. THE DESIDERATUM CONCERNING SLBM OF THIRD COUNTRIES: "MODERN SLBM SYSTEMS OF ALLIES OF THE UNITED STATES MUST BE TAKEN INTO ACCOUNT IN SALT LIMITATIONS."

125. THE "NON-USE" DESIDERATUM: "THE USE OF NUCLEAR WEAPONS MUST BE PROHIBITED."

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S E C R E T SECTION 2 OF 6 USNATO 5342

2. THE SIGNIFICANCE OF THE SOVIET DESIDERATA

21. SUBSTANCE OF THE DESIDERATA
THE WAY THINGS ARE IN EAST-WEST RELATIONS, FULFILMENT OF THE ABOVE-MENTIONED SOVIET DESIDERATA WOULD BE TANTAMOUNT TO FORFEITING WESTERN ASSETS OR WESTERN OPTIONS. THIS BEING SO, PREPARATION CAN NOW BE UNDERTAKEN FOR THE BEST POSSIBLE PRESENTATION OF THE OWN DESIDERATA WHEREAS PREPARATION FOR THE ELABORATION OF COMPROMISE ON THE BASIS OF BALANCED PACKAGES OF CONCESSIONS, NECESSITATES AN ANSWER TO THE QUESTION OF HOW GREAT THE EXPECTED DAMAGE TO WESTERN ASSETS OR OPTIONS WOULD BE. PRIORITY SHOULD BE GIVEN TO PREPARING FOR THE FIRST ACTIVITY. ON THE OTHER HAND IT DOES NOT SEEM PREMATURE TO INITIATE APPROPRIATE STUDIES TO ENSURE MAXIMUM PREPARATION FOR THE SECOND. WE HAVE ALREADY MADE A START WITH SUCH STUDIES AND WILL TAKE THE LIBERTY OF INFORMING OUR ALLIES OF THE RESULTS AS OCCASION ARISES.

211. THE FBS DESIBERATUM

THE VIEW THAT THE FULFILMENT OF THIS DESIDERATUM WOULD GRAVELY IMPAIR THE SECURITY OF THE ALLIANCE IS SHARED BY ALL ALLIES.

212. THE DESIDERATUM OF FOREIGN BASES

ACCORDING TO OUR KNOWLEDGE, THE SOVIETS PRESENTED THIS DESIDERATUM DURING SALT I IN CONNECTION WITH MISSILE-

CARRING SUBMARINES (SLBM) AND THE FBS COMPLEX, BUT

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~~NOT IN A GENERAL MANNER. IT IS PART OF THE PERMANENT~~
SOVIET REPERTOIRE, HOWEVER, AND, THEREFORE, ERMITS
EXAMINATION. AS IT COVERS A WIDER FIELD THAN THE
SLBM AND FBS DESIDERATA AND FOR ALL PRACTICAL PURPOSES
EMBRACES THEM, IT SHOULD BE EXAMINED AT THIS POINT.
THE DEFENSE PREPARATIONS OF THE ALLIANCE ARE BASED
ESSENTIALLY ON THE STATIONING OF FORCES AND WEAPONS
SYSTEMS IN THE TERRITORIES OF ITS MEMBERS AND ON THE
PROVISION OF FACILITIES. ACCEPTANCE OF THE SOVIET
DESIDERATUM WOULD, THEREFORE, LEAD TO A FUNDAMENTAL
IMPAIRMENT OF THE ALLIANCE'S SECURITY.

213. THE "NON-TRANSFER" DESIDERATUM.

THERE ARE A NUMBER OF FACTS THAT SUGGEST THAT THIS
DESIDERATUM WILL BE PUT FORWARD DURING SALT II;
-THE NON-TRANSFER OF NUCLEAR BOMBS AND WARHEADS HAS
ALREADY BEEN LAID DOWN IN THE NON-PROLIFERATION TREATY;
-NON-TRANSFER OF ABM SYSTEMS AND THEIR COMPONENTS WAS
AGREED IN THE ABM TREATY AND EXTENDED TO TECHNICAL
DESCRIPTIONS AND BLUEPRINTS BY INITIALLED STATEMENT G;
-THE US DELEGATION DEEMED IT NECESSARY TO MAKE CLEAR IN
THEIR UNILATERAL DECLARATIONS THAT ARTICLE IX OF THE
ABM TREATY DID NOT ESTABLISH ANY PRECEDENCE FOR
ARRANGEMENTS COVERING OFFENSIVE SYSTEMS. IT CAN BE
DEDUCED FROM THIS THAT THEY THOUGHT SUCH A SOVIET
DESIDERATUM POSSIBLE (IF NOT PROBABLE) FOR SALT II ALSO.
THIS DESIDERATUM IS A MORE RECENT ONE AND THUS HAS NOT
YET BEEN STUDIED SO INTENSIVELY AS THE OTHERS. THE PURPOSE
OF THE EXAMINATION IS TO IDENTIFY THE DRAWBACKS WHICH
FULFILMENT OF THE DESIDERATUM WOULD IMPLY IN TERMS OF
MILITARY, BUT ALSO NON-MILITARY, INTERESTS.
THOUGH OUR DELIBERATIONS HAVE NOT YET PRODUCED CONCLUSIVE,
ABSOLUTE RESULTS, THEY HAVE NEVERTHELESS LED TO
THE RELATIVE FINDING THAT THE DRAWBACKS IN TERMS
OF THE ALLIANCE'S TECHNOLOGICAL ASSETS CAN BE KEPT TO A
MINIMUM TO THE EXTENT THAT THE NON-TRANSFER ARRANGEMENTS
ARE CAREFULLY WORDED.

214. THE DESIDERATUM CONCERNING SLBM OF THIRD COUNTRIES

THE PROBABILITY THAT THE SOVIETS WILL COME UP WITH THIS
DESIDERATUM IS APPARENT FROM THE UNILATERAL SOVIET STATEMENT

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OF 17 MAY 1972.

IT IS INCLUDED IN THIS PAPER FOR THE SAKE OF COMPLETENESS. THOSE OF OUR ALLIES MOST AFFECTED BY IT WILL BE EXPRESSING THEIR VIEWS IN DUE COURSE. IT IS FELT THAT WE, TOO, ARE AFFECTED, HOWEVER, AND WILL THEREFORE BE PREPARED TO JOIN IN ANY DISCUSSION OF THIS DESIDERATUM AT ANY TIME.

215. THE "NON-USE" DESIDERATUM

PROHIBITION OF THE USE OF NUCLEAR WEAPONS ("NON-USE") HAS BEEN PART OF THE SOVIET REPERTOIRE FOR YEARS. CURRENTLY IT IS THE SUBJECT OF A SOVIET INITIATIVE IN THE UNITED NATIONS GENERAL ASSEMBLY.

AS FAR AS WE KNOW, "NON-USE" WAS NOT DEALT WITH IN DETAIL DURING SALT I. THE WAY THINGS ARE BETWEEN NATO AND THE WARSAW PACT, "~~NON-USE~~" IS NOT NEGOTIABLE.

NOT DOES IT FIT INTO THE SALT FRAMEWORK SINCE A BAN ON THE USE OF NUCLEAR WEAPONS, AT LEAST IN THE PRESENT CONFIGURATION, AMBRACES ALL NUCLEAR WEAPONS. UP TO NOW, MOREOVER, THE OBJECT OF THE NON-USE PRINCIPLE WAS TO PLACE ALL NUCLEAR-WEAPON POWERS UNDER OBLIGATION. THIS SEEMS TO BE THE VERY VIEW UNDERLYING THE PRESENT SOVIET INITIATIVE IN THE UNITED NATIONS, AS INDICATED BY

-THE FACT THAT THE UNITED NATIONS HAVE BEEN ASKED TO CONSIDER THE MATTER, AND

-THE CLOSE LINKING OF THE NON-USE PRINCIPLE WITH THE UNIVERSAL PRINCIPLES OF THE NON-USE OF FORCE AND THE RIGHT OF SELF-DEFENSE.

THUS ALL PROBABILITY THE NON-USE DESIDERATUM WILL NOT BE BROUGHT UP DURING SALT II, BUT SINCE ONE CANNOT ENTIRELY RULE OUT THE POSSIBILITY OF TACTICAL MOVES BY THE SOVIETS IN THIS RESPECT, IT DID NOT SEEM OUT OF PLACE TO MENTION IT HERE.

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22. PRESENTATION OF THE SOVIET DESIDERATA

221. FIRST DESIDERATUM: FORWARD BASED SYSTEMS MUST BE WITHDRAWN OR CREDITED.

2211. FIRST PROBABLE ARGUMENT: "BECAUSE FBS CAN REACH SOVIET TERRITORY".

22111. DESCRIPTION OF THE ARGUMENT.
RIGHT FROM THE BEGINNING OF SALT THE SOVIET PROPAGATED A CLEVER DEFINITION OF STRATEGIC WEAPONS: I. E. AS BEING WEAPONS SYSTEMS WITH WHICH EITHER SALT PARTNER CAN REACH THE TERRITORY OF THE OTHER. APPLYING THIS DEFINITION, THE AMERICAN NON-CENTRAL SYSTEMS STATIONED IN EUROPE WOULD APPEAR TO FALL UNDER SALT, BUT NOT THE SOVIET NON-CENTRAL SYSTEMS REACHING ONLY THE EUROPEAN SECTOR OF THE ATLANTIC ALLIANCE. THIS ARGUMENTATION IMPLIES THAT THE OBJECT OF ATTENTION IS MERELY THE SENSITIVITY OF THE UNITED STATES AND NOT THAT OF ITS EUROPEAN NATO ALLIES. IT ALSO IMPLIES THAT THE AMERICAN FBS CAN BE ATTRIBUTED THE SAME ORDER OF MAGNITUDE AS CENTRAL STRATEGIC SYSTEMS. IT IS AN ASSERTION, IN OTHER WORDS, THAT THE MAINTENANCE OF STRATEGIC STABILITY BY THE LIMITATION OF CENTRAL SYSTEMS WOULD REMAIN INCOMPLETE FOR AS LONG AS THE UNITED STATES RETAINS ADDITIONAL POSSIBILITIES FOR LAUNCHING

NUCLEAR STRIKES AGAINST SOVIET TERRITORY.
THE ABOVE IMPLICATION IS CLOSELY RELATED TO THE FOLLOWING:
THE SOVIET ARGUMENTATION CONTAINS THE CONCEPTION, AS

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INDICATED BY THE CONCRETE PROPOSALS FOR WITHDRAWALS AND
COMPENSATIONS, THAT ONLY

" NI US CENTRAL SYSTEMS
PLUS N2 FBS

EQUALS (NI PLUS N2) SOVIET
SYSTEMS"

WOULD BE AN EQUITABLE PARITY.

22112. APPRAISAL OF THE ARGUMENT
THIS ARGUMENT IS AN ELEGANT WAY OF PRESENTING A DESIDERATUM,
BUT ALL WHAT MATTERS IS HOW FAR IT IS IRREFUTABLE.
AS CONCERNS THE STRICTLY BILATERAL POINT OF VIEW:

THE PRINCIPLE OF SOLIDARITY EMBEDDED IN ARTICLE 5 OF THE
NORTH ATLANTIC TREATY- AN ARMED ATTACK AGAINST ONE OR MORE
OF THE ALLIES WILL BE REGARDED AS AN ATTACK AGAINST THEM ALL-
IS ALSO TO BE INTERPRETED TO MEAN THAT ANY THREAT BY CERTAIN
WEAPONS SYSTEMS AGAINST ONE OR MORE OF THE ALLIES WILL BE
SEEN AS A THREAT AGAINST ALL OF THEM. THIS ARGUMENT WOULD
BE IRREFUTABLE IF THE SOVIETS COULD CHARM AWAY THE FACT
THAT THE UNITED STATES IS BOTH A SALT POWER AND AN ALLY.
THUS IT IS ONLY SUPERFICIALLY THAT THE SOVIET NUCLEAR MEDIUM-
RANGE POTENTIAL APPEARS TO BE DIRECTED AT EUROPE ONLY: IN
FACT IT AT THE SAME TIME AFFECTS THE UNITED STATES IN ITS
CAPACITY AS AN ALLY- AND THAT IS DECISIVE FOR THE SALT.
BUT EVEN LEAVING ASIDE THE PURSUIT, BY EACH SALT POWER,
OF ITS OWN INDIVIDUAL INTERESTS, IT SHOULD BE IN THE DULY
CONSIDERED COMMON INTEREST OF BOTH SALT POWERS TO AVOID
ANY SUCH AGREEMENTS ON CENTRAL SYSTEMS WHICH WOULD PRODUCE
IMBALANCES IN THE REMAINING NUCLEAR AND ALSO THE CONVENTIONAL
SPHERE. SUCH IMBALANCES MIGHT NOT ONLY PREJUDICE THE
POSSIBILITY OF MUTUALLY SATISFACTORY EAST-WEST AGREEMENTS ON
ARMAMENTS CONTROL IN THESE SPHERES BUT EVEN JEOPARDIZE
THE RESULTS ALREADY ACHIEVED BY AGREEMENTS ON CENTRAL SYSTEMS.

AS CONCERNS THE STRATEGIC STABILITY ASPECT:

FIRST, THE SOVIETS COULD BE TOLD THAT THIS STABILITY IS
ASSUMED TO EXIST IN VIEW OF THE SECOND-STRIKE POTENTIAL TODAY
HELD BY BOTH SIDES. ALL MEMBERS OF THE ALLIANCE WANT THAT
STABILITY TO BE PRESERVED AND ARE PREPARED TO SUPPORT EFFORTS

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IN THIS DIRECTION. WE ARE OF THE OPINION, HOWEVER, THAT THE NON-CREDITED OR NON-WITHDRAWL OF FBS WOULD NOT BE CAPABLE OF ENDANGERING THAT STABILITY. FOR THE FBS CAN ONLY REACH THE WESTERN AND SOUTHERN FRINGES OF SOVIET TERRITORY AND ARE OF ONLY MARGINAL SIGNIFICANCE IF SET BESIDE THE QUANTITY AND PENETRATION CAPABILITY OF THE CENTRAL WEAPONS. MOREOVER, IF THE NUCLEAR BALANCE OF THE EARLY SIXTIES COULD, IN SPITE OF THE STRIKING DISPARITY, BE CONSIDERED A NUCLEAR STALEMATE, THEN THE NON-CENTRAL SYSTEMS, GIVEN THE MAGNITUDE OF THE CENTRAL SYSTEMS CURRENTLY AVAILABLE TO BOTH SALT POWERS, CAN PRESENT BUT LITTLE THREAT TO THE STRATEGIC STABILITY. THIS WOULD EVEN BE TRUE IN THE IMPROBABLE EVENT THAT THE NON-CENTRAL SYSTEMS SHOULD BE APPRECIABLY INCREASED. IF, THEREFORE, THE FBS CAN ONLY REPRESENT A MARGINAL DANGER TO STABILITY, IT FOLLOWS THAT THE DEMAND THAT THE FBS BE CREDITED AS PART OF THE CENTRAL SYSTEMS, AND MORE STILL THAT THE FBS BE ELIMINATED, IS DISPROPORTIONATE.

HERE IT IS NECESSARY TO REPEAT THAT THE SOVIET DESTABILIZATION ARGUMENT IS OF COURSE BASED SOLELY ON THE IDEA OF PURELY BILATERAL STABILITY, AN APPROACH WHICH APPEARS TO BE UNACCEPTABLE TO ALL MEMBERS OF THE ALLIANCE. EVEN WITHIN THE AMBIT OF SALT ONE CAN ONLY SPEAK OF STABILITY IF THE ALLIANCE AS A WHOLE IS IN A STABLE SITUATION VIS-A-VIS THE WARSAW PACT. THE SOVIETS KNOW PRETTY WELL THAT IN VIEW OF THEIR SUBSTANTIAL NUCLEAR MEDIUM RANGE POTENTIAL AND OF THEIR CONVENTIONAL SUPERIORITY ANY INTERFERENCE WITH THE PRESENT FBS LEVELS MUST BE ASSESSED BY NATO AS DESTABILIZING. THIS IS THE VERY REASON FOR PRESENTING THEIR INTERESTS IN SUCH A WAY, AS IF THE REALITY OF THE ATLANTIC ALLIANCE DID NOT EXIST.

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ONE MIGHT ASK AT THIS POINT WHETHER IT WOULD NOT BE RISKY TO EXTEND OUR DELIBERATIONS TO INCLUDE THE MUTUAL RELATIONSHIP OF THE TWO ALLIANCES, INSTEAD OF REGARDING STABILITY MERELY IN TERMS OF RELATIONS BETWEEN THE TWO SALT POWERS. RISKY BECAUSE IT MIGHT BE ARGUED THAT, CONSEQUENTLY, STABILITY AS BETWEEN ALLIANCE AND ALLIANCE WOULD HAVE TO BE MATCHED BY AN ALLIANCE-TO-ALLIANCE WEAPONS BALANCE, IN WHICH CASE THE STRATEGIC SYSTEMS OF FRANCE AND GREAT BRITAIN WOULD APPEAR ON THE WESTERN SIDE OF THE BALANCE SHEET.

SUCH A SOVIET ARGUMENTATION SHOULD BE COUNTERED BY THE FOLLOWING REPLY: THE BRITISH AND FRENCH SYSTEMS, INDEPENDENT AS THEY ARE, CANNOT DESTABILIZE THE STRATEGIC EAST/EST SITUATION ON THEIR OWN ACCOUNT; NOR COULD, ON THE OTHER HAND, THIS CAPABILITY BE ATTRIBUTED TO THEM ON THE GROUND THAT BRITAIN AND FRANCE ARE ALLIES OF THE US. FOR, IN THIS CASE AS WELL, THE INDEPENDENCE OF THE FRENCH AND BRITISH SYSTEMS IS SO SIGNIFICANT AS TO PREVENT THEM FROM SIMPLY BECOMING COMPONENTS OF THE AMERICAN NUCLEAR CAPACITY. IN OTHER WORDS, THE UNITED STATES, EVEN IN AN ALLEGED EFFORT TO ACHIEVE A FIRST STRIKE CAPABILITY, COULD NOT ACT IN SUCH A WAY AS IF THE BRITISH AND FRENCH GOVERNMENTS HAD ABANDONED CONTROL OVER THEIR NATIONAL SYSTEMS.

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AND, FINALLY, ANOTHER POSSIBLE QUESTION IN THIS CONNECTION IS WHETHER THE FURTHER NON-LIMITATION OF THE FBS MIGHT NOT BE REGARDED AS A FACTOR ENHANCING STABILITY IN VIEW OF THE FACT THAT THE FBS REPRESENT ONE OF THE ALLIES' MOST IMPORTANT MEANS OF EFFECTING ESCALATION, AND THAT THEY ARE IN THIS RESPECT AN ELEMENT OFFSETTING THE SOVIET CONVENTIONAL SUPERIORITY. THIS SHOULD ALSO BE POINTED OUT TO THE SOVIETS IF THEY SHOULD ATTEMPT TO SUBSTANTIATE THEIR FBS DESIDERATUM WITH INTERNAL POLICY RATHER THAN STABILITY CONSIDERATIONS.

AS CONCERNS THAT POINT OF VIEW OF "EQUITABLE" PARITY:

EVEN THE ABSTRACT TERM "PARITY" IS HARDLY DEFINABLE; THUS IT WOULD NOT BE ANY LESS DIFFICULT TO REACH AGREEMENT ON CEILINGS WHICH COULD BE SAID TO CORRESPOND TO THIS HEADING. FURTHERMORE, IT SHOULD BE POINTED OUT THAT THOUGH PARITY MAY QUASI BE THE IDEAL INDICATION OF STABILITY, STABILITY CAN, AS MENTIONED IN THE PRECEDING PARAGRAPH, ALSO EXIST WHERE THERE IS A STRIKING DISPARITY.

IT FOLLOWS FROM THE ABOVE THAT THE SOVIET ARGUMENT "BECAUSE FBS CAN REACH SOVIET TERRITORY" IS NOT COGENT; NEVERTHELESS THE SOVIETS MAY BE MOST ANXIOUS TO PURSUE THE DESIDERATUM PRESENTED UNDER ITS COVER. IF, THEREFORE, THEY DO RAISE THE MATTER THEY WILL HAVE TO OFFER A QUID PRO QUO. IF SUCH AN OFFER PROVED TO BE AS ACCEPTABLE TO THE ALLIANCE AS THE DESIDERATUM APPEARS UNACCEPTABLE THEN AGREEMENT WITHIN THE ALLIANCE WOULD IN PRINCIPLE SEEM POSSIBLE. SHOULD AMERICAN FIRMNESS ON THE QUESTION OF A QUID PRO QUO AND GROWING AMERICAN-SOVIET CONSENSUS IN THE ASSESSMENT OF THE STRATEGIC SITUATION INDUCE THE SOVIETS TO FORGO THEIR FBS DESIDERATUM - BE IT ONLY TEMPORARILY - THIS WOULD EVEN BE PREFERABLE TO A QUID PRO QUO SOLUTION.

2212. SECOND PROBABLE ARGUMENT IN SUPPORT OF THE FBS DESIDERATUM: "BECAUSE CIRCUMVENTIONS OF THE TREATY MUST BE RULED OUT".

22121. DESCRIPTION OF THE ARGUMENT

AS FAR AS WE KNOW, THIS ARGUMENT WAS NOT USED AS SUCH DURING PREVIOUS SALT NEGOTIATIONS, BUT THE AGREEMENTS CONCLUDED UP

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TO NOW CONTAIN SEVERAL PROVISIONS # BASED ON SUCH CONSIDERATIONS. THUS THE SOVIET UNION MIGHT ATTEMPT DURING SALT II TO ASSERT THE EXISTENCE OF A NON-CIRCUMVENTION PRINCIPLE USING, INTER ALIA, THE ARGUMENT THAT IT HAS BEEN ESTABLISHED BY THE ABOVE-MENTIONED PROVISIONS.

#) IN THE ABM TREATY:

ARTICLE IX: "TO ASSURE THE VIABILITY AND EFFECTIVENESS OF THIS TREATY ...", ARTICLE X (INDIRECTLY),

ARTICLE XII: "FOR THE PURPOSE OF THIS TREATY ..." AND

ARTICLE XIII: "TO PROMOTE THE OBJECTIVES AND IMPLEMENTATION OF THE PROVISIONS OF THIS TREATY"

IN THE INTERIM AGREEMENT:

ARTICLE V (AS IN ARTICLE XII OF THE ABM TREATY), ARTICLE VI (AS ARTICLE XIII OF THE ABM TREATY)

DECLARATIONS ACCOMPANYING THE SALT AGREEMENTS: INITIALLED STATEMENT E: "IN ORDER TO ENSURE FULFILMENT OF THE OBLIGATION ..."

22122. ASSESSMENT OF THE ARGUMENT

(A) NON-CIRCUMVENTION IS NOT AN ESTABLISHED GENERAL PRINCIPLE, NOR WAS IT INTRODUCED BY VIRTUE OF THE PROVISIONS QUOTED IN THE FOOTNOTE ON PAGE 13.

THIS IS EXPLAINED BY THE FOLLOWING:

- A GENERAL NON-CIRCUMVENTION PRINCIPLE WOULD BE IMPRACTICABLE. IT WOULD IMPLY AN OBLIGATION TO AVOID ANYTHING THAT MIGHT PREJUDICE THE ACHIEVEMENT OF THE AIMS OF THE TREATY: IT WOULD BE AN OBLIGATION WITHOUT ANY CLEAR SHAPE OR LIMIT;

- THE PROVISIONS QUOTED IN THE FOOTNOTE SHOW THAT THE SALT POWERS MERELY WANTED TO STIPULATE SPECIFIC PROVISIONS SUPPLEMENTING THE ACTUAL CONTENTS OF THE TREATY (I.E. AGREEMENT ON A NUMERICAL DEPLOYMENT CEILING);

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- THE UNILATERAL SOVIET STATEMENT ON THE QUESTION OF THE STRATEGIC SYSTEMS BELONGING TO ALLIANCE PARTNERS OF THE UNITED STATES SHOWS THAT THE SOVIETS WANT SPECIFICALLY TO RULE OUT THIS POSSIBILITY OF CIRCUMVENTION FOR THE VERY REASON THAT IT HAS NOT ALREADY BEEN EXCLUDED BY AN ESTABLISHED GENERAL NON-CIRCUMVENTION PRINCIPLE;

- PRESIDENT NIXON REPRTEED THAT MR. BREZHNEV SAID THE SOVIET UNION WILL CONTINUE WITH WEAPONS PROGRAMMES NOT PROHIBITED UNDER THE SALT AGREEMENTS.

(B) IRRESPECTIVE OF THIS, THE TERM "NON-CIRCUMVENTION" HAS A CERTAIN POLITICO-PSYCHOLOGICAL ATTRACTION. IT IS AN IMPLIED DEMAND FOR HONESTY IN INTERNATIONAL RELATIONS AND PRESENTS ITSELF AS A BROTHER, AS IT WERE, OF THE "PACTA SUNT SERVANDA" PRINCIPLE OF INTERNATIONAL LAW. WE THEREFORE FEEL THERE IS A NECESSITY TO UNDERLINE THE NON-IDENTITY OF THE NARROWLY DEFINED PRINCIPLE OF "PACTA SUNT SERVANDA" WITH THE MUCH WIDER CONCEPT OF NON-CIRCUMVENTION.

(C) FINALLY, IT APPEARS APPROPRIATE TO EXAMINE THE RELEVANCE OF CIRCUMVENTIONS AS SUCH. THIS RELEVANCE WILL HAVE TO BE ASSESSED SOLELY BY THE CRITERION OF WHETHER, AND IF SO TO WHAT EXTENT, CONCEIVABLE STABILITY SOUGHT UNDER THE TREATY. DEPENDING ON WHAT OPINION IS REACHED,

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IT WOULD THEN BE NECESSARY TO EXAMINE WHETHER THE CONCEIVABLE CIRCUMVENTION CALLS FOR ANY SPECIFIC SUPPLEMENTARY REGULATION AT ALL AND, IF SO, WHAT APPROPRIATE FORM IT COULD BE GIVEN.

222. SECOND DESIDERATUM: FOREIGN BASES MUST BE DISSOLVED OR LEAD TO A BONUS.

HERE ARE 3 CATEGORIES OF BASES:

- (1) BASES FOR CENTRAL STRATEGIC SYSTEMS (SLBM, INTERCONTINENTAL BOMBERS),
- (2) BASES FOR NON-CENTRAL STRATEGIC SYSTEMS (FBS),
- (3) OTHER BASES.

222. POSSIBLE ARGUMENT

IN THE EVENT THAT THE SOVIETS RAISE THIS DESIDERATUM DURING SALT II THEIR ARGUMENT MIGHT BE THAT EXTERNAL BASES JEOPARDIZE THE STRATEGIC STABILITY WHICH IS THE OBJECTIVE OF THE SALT II TREATY.

IN ASSESSING THIS ARGUMENT A DISTINCTION HAS TO BE MADE BETWEEN THE ABOVE THREE CATEGORIES:

(1) IN THE CASE OF CENTRAL STRATEGIC SYSTEMS, THE SOVIETS WILL PROBABLY NOT USE THIS ARGUMENT BUT RATHER OPERATE WITH THE GEOGRAPHICAL DISPARITY FACTOR AND DERIVE FROM THIS A BONUS CLAIM.

2) IN THE CASE OF THE NON-CENTRAL STRATEGIC SYSTEMS, THIS DESIDERATUM WOULD, AFTER THE DISSOLUTION OF BASES OR THE GRANTING OF A BONUS, BE PRACTICALLY IDENTICAL WITH THE ONE SEEKING THE ELIMINATION OR CREDITING OF FBS (SECTION 212) AND THEREFORE LIKELY NOT BE IRREFUTABLE.

(3) OTHER FOREIGN BASES JEOPARDIZE STRATEGIC STABILITY LESS STILL.

223. THIRD DESIDERATUM: WEAPONS SYSTEMS OR COMPONENTS THEREOF

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THAT ARE THE OBJECT OF CONTRACTUAL LIMITATION SHOULD NOT BE TRANSFERRED TO THIRD COUNTRIES.

2231. PROBABLE RUSSIAN ARGUMENT: "TO ASSURE THE VIABILITY AND EFFECTIVENESS OF THIS TREATY (ON THE LIMITATION OF OFFENSIVE SYSTEMS)". THE FACT THAT THIS ARGUMENT IS USED IN ARTICLE IX OF THE ABM TREATY SUGGESTS THAT IT IS LIKELY TO BE BROUGHT UP.

22311. DESCRIPTION OF THE ARGUMENT

THIS ARGUMENT IS CLOSELY RELATED TO THE NON-CIRCUMVENTION ARGUMENT DESCRIBED IN SECTION 212 ABOVE AND CAN BE INTERPRETED AS A POSITIVELY FORMULATED VARIANT1) OF THE NEGATIVELY FORMULATED NON-CIRCUMVENTION ARGUMENT2).

22312. ASSESSMENT OF THE ARGUMENT

LIKE THE NON-CIRCUMVENTION ARGUMENT, THIS, TOO, COVERS A WIDE AREA. IF IT WERE TO BE UNDERSTOOD AS A GENERAL PRINCIPLE FOR THE CONDUCT OF THE CONTRACTING PARTIES IT WOULD AMOUNT TO

1) "TO ASSURE THE VIABILITY AND EFFECTIVENESS OF THIS TREATY....."

2) "BECAUSE CIRCUMVENTIONS OF THE TREATY MUST BE RULED OUT" - AND HERE AGAIN WE HAVE THE PARALLEL WITH THE NON-CIRCUMVENTION PRINCIPLE - A TREATY CLAUSE OBLIGING THE CONTRACTING PARTIES "TO DO EVERYTHING TO ENSURE THE ACHIEVEMENT OF THE AIMS OF THE TREATY". SUCH A GENERAL PRINCIPLE WOULD ALSO HAVE TO BE LABELLED "UNPRACTICABLE".

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IF, ON THE OTHER HAND, THE ARGUMENT IS BROUGHT FORWARD MERELY IN SUPPORT OF A SPECIFIC SUPPLEMENTARY PROVISION, IT WILL NOT BE REFERRING TO AN EXISTING BINDING PRINCIPLE BUT WILL SERVE EXCLUSIVELY AS THE MOTIVE FOR SUCH A SUPPLEMENTARY PROVISION WHICH WOULD BE AGREED UPON AS AN OBLIGATION GOVERNING A SPECIFIC CASE. IT INDICATES, EVEN WITHOUT SAYING SO EXPLICITLY, THAT THE AIM OF THE SUPPLEMENTARY PROVISION IS TO GUARANTEE STRATEGIC STABILITY, WHICH WAS THE PURPOSE OF THE TREATY PROVISIONS PROPER. THIS MEANS IT IS ORIENTED TO THE CRITERION WHETHER THE POSSIBLE ACTIONS OR DEVELOPMENTS THAT HAVE LED TO THE SUPPLEMENTARY PROVISIONS WOULD BE LIKELY TO PREJUDICE STABILITY, AND IF SO TO WHAT EXTENT.

THE OTHER SIDE WILL HAVE TO BE INDUCED TO SEE THE MATTER FROM THIS ANGLE.

ONCE THEY DO IT WILL BE NECESSARY TO EXAMINE, AS IN THE CASE OF THE NON-CIRCUMVENTION ARGUMENT,

- WHETHER THE ACTIONS OR DEVELOPMENTS CALL FOR ANY SPECIFIC SUPPLEMENTARY PROVISIONS AT ALL,

- AND, IF SO, WHAT APPROPRIATE FORM THESE SHOULD BE GIVEN

224. FOURTH DESIDERATUM: THE SUBMARINE-BASED STRATEGIC SYSTEMS

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OF ALLIES OF THE UNITED STATES MUST BE TAKEN INTO ACCOUNT
IN SALT LIMITATIONS.

IN SECTION 214 WE HAVE SUGGESTED THAT AS CONCERNS THIS
COMPLEX THE OPINION OF THOSE SHOULD BE AWAITED WHO WOULD
BE AFFECTED IN THE FIRST PLACE. WE ARE FULLY PREPARED TO
PARTICIPATE IN THE DELIBERATIONS ON ARGUMENTS AND
COUNTER-ARGUMENTS WHEN THE TIME HAS COME; IN THIS
PAPER WE HAVE ADDRESSED THE PROBLEM ONLY BRIEFLY AND
IN A SPECIFIC CONTEXT (SECTION 22112).

225. FIFTH DESIDERATUM: THE USE OF NUCLEAR WEAPONS MUST
BE PROHIBITED.

AS HAS BEEN EXPLAINED IN SECTION 215 THE SOVIETS
MAY NOT INTRODUCE THIS DESIDERATUM FOR SOME TIME TO
COME. FOR THIS REASON IT SEEMS TOO EARLY AT PRESENT
TO DISCUSS POSSIBLE ARGUMENTS IN RESPECT OF THIS
DESIDERATUM.

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